

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PHOENIX BOND & INDEMNITY CO., et al.)	
)	
Plaintiffs,)	
)	
vs.)	
)	
JOHN BRIDGE, et al.,)	Case No. 05 C 4095
)	
Defendants.)	Consolidated with
)	Case No. 07 C 1367
<hr style="width: 45%; margin-left: 0;"/>		
BCS SERVICES, INC., et al.)	Judge Matthew F. Kennelly
)	
Plaintiffs,)	
)	
vs.)	
)	
HEARTWOOD 88, LLC, et al.)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR ISSUANCE OF
TRIAL SUBPOENAS TO DEFENDANTS KIRK ALLISON AND VINAYA JESSANI**

Pursuant to Federal Rule of Civil Procedure 45(b)(2) and the Venue and Process provision of the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1965(c), Plaintiffs BCS Services, Inc. and Phoenix Bond & Indemnity Co. (collectively, "Plaintiffs"), by and through their counsel, hereby move this Court to issue trial subpoenas on defendants Kirk Allison and Vinaya Jessani. In support of this motion, Plaintiffs state the following:

1. Mr. Allison and Mr. Jessani are defendants in this civil RICO case who oversaw and were responsible for certain of the Sass Defendants' participation in the Cook County

Property Tax sales. Accordingly, “good cause” exists for the Court to grant Plaintiffs’ motion and authorize the issuance of trial subpoenas on Mr. Allison and Mr. Jessani.

2. Mr. Allison and Mr. Jessani are represented by Theodore M. Becker and Richard J. Pearl of Morgan Lewis & Bockius LLP (“Morgan Lewis”) in this litigation. Before being named as defendants, Mr. Allison and Mr. Jessani were deposed. Mr. Jessani was deposed over two days, on December 8-9, 2008. Mr. Allison was deposed the following day, on December 10, 2008. On or around March 12, 2009, pursuant to agreement with Plaintiffs’ counsel, Morgan Lewis accepted service of the Summonses and redacted Second Amended Complaint on behalf of Mr. Allison and Mr. Jessani (along with co-defendants MD Sass Investors Services, Inc.; MD Sass Tax Lien Management, LLC; MD Sass Municipal Finance Partners-IV, LLC; and MD Sass Municipal Finance Partners-V, LLC) (collectively, the “Sass Defendants”).¹ (Dkt. 428-2, attached as Exhibit 1.) Mr. Becker and Mr. Pearl filed their respective appearances on behalf of Mr. Allison, Mr. Jessani, and the other Sass Defendants two weeks later, on March 26, 2009. (Dkt Nos. 448 and 449, attached as Exhibits 2 and 3, respectively.) After Plaintiffs filed their Third Amended Complaint (Dkt. 525), Morgan Lewis filed an answer on behalf of Mr. Allison, Mr. Jessani, and the other Sass Defendants. (Dkt. 574.)

3. In August 2011, with trial rapidly approaching and needing to serve dozens of trial subpoenas, Plaintiffs attempted to serve subpoenas on witnesses they knew were represented by counsel by sending the subpoenas to the witnesses’ counsel. To secure Mr. Allison’s and Mr. Jessani’s appearances at trial, Plaintiff’s counsel sent their trial subpoenas to Mr. Becker on August 26, 2011. In sending the subpoenas to Morgan Lewis, Plaintiffs were explicit that they were doing so on the assumption that counsel would accept service of the subpoena. (*See Aug.*

¹ Additional Sass-related entities were subsequently named as defendants.

26, 2011 Letter from J. Quinn to T. Becker, attached as Exhibit 4 (“I am enclosing trial subpoenas, service of which I assume you will accept on behalf of your clients.”).)

4. One week later, on September 2, Defendants provided their proposed witness list as part of the process to jointly prepare the Final Pre-Trial Order. Defendants’ Witness List named both Mr. Allison and Mr. Jessani, listing Mr. Allison as a “will call” witness and Mr. Jessani as a “may call” witness. To comply with the Court’s requirement that the witness list include an address for all witnesses, Defendants listed Mr. Becker and his mailing address at Morgan Lewis. (Defs.’ Witness List, attached as Exhibit 5.)

5. After one defendant group filed a motion to quash certain of the subpoenas served in this manner, Plaintiffs sent a follow-up email on September 13 to Defendants, including Morgan Lewis, asking to be informed if any of the attorneys would “**not** be accepting service of any of the subpoenas sent to you in August.” ((See Sept. 13, 2011 Email from J. Quinn to T. Becker, R. Pearl *et al.*, attached as Exhibit 6) (emphasis in original).)

6. On September 20, nearly four weeks after first receiving the trial subpoenas for Mr. Allison and Mr. Jessani, Morgan Lewis informed Plaintiffs’ counsel that Morgan Lewis would not accept service on their behalf. “Jon, My firm will not accept service of the trial subpoenas you issued for Kirk Allison and Vinaya Jessani. - Ted”. (See Exhibit 6, Sept. 20, 2011 Email from T. Becker to J. Quinn.)

7. Plaintiffs’ counsel responded via email seeking the current addresses for both Mr. Allison and Mr. Vinaya. (See Exhibit 6, Sept. 21, 2011 Email from J. Quinn to T. Becker.) On September 22, Mr. Becker provided personal mailing addresses for Mr. Allison and Mr. Jessani, but instructed Plaintiffs that the addresses are highly confidential and not to be included in the

Witness List that is part of the Final Pretrial Order. (See Sept. 22, 2011 Emails from T. Becker to J. Quinn, as redacted, attached as Exhibit 7.)

8. Morgan Lewis's refusal to accept service of the trial subpoenas for Mr. Allison and Mr. Jessani forces Plaintiffs to bring this motion. Combined with Rule 45(b)(2)(D), "RICO gives this court the authority to order nationwide service of process to compel the attendance of witnesses 'upon a showing of good cause.'" *A. Kush & Assocs., Ltd. v. Weingeroff Enterprises, Inc.*, 1988 WL 64082, at *4 (N.D. Ill. June 8, 1988).²

9. "Good cause" exists here as both witnesses are defendants who, as their deposition testimony made clear, have relevant testimony about one of the alleged RICO enterprises and the Sass Defendants' participation in that enterprise. Indeed, as established in their deposition testimony, Mr. Allison and Mr. Jessani were the individuals with primary responsibility for the Sass Defendants' participation at the Cook County Tax Sales. Moreover, Mr. Allison and Mr. Jessani are both listed as witnesses by Defendants, suggesting there is no dispute that their testimony is relevant. Morgan Lewis's refusal to accept service on their behalf in no way changes the fact that as defendants with relevant information, Mr. Allison and Mr. Jessani should be commanded to appear at trial.

WHEREFORE, for the above reasons, Plaintiffs respectfully request that the Court issue trial subpoenas on Mr. Allison and Mr. Jessani.

Dated: September 22, 2011

² In relevant part, RICO's nationwide service provision states: "In any civil . . . action under this chapter in the district court of the United States for any judicial district, subpoenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause." 18 U.S.C. § 1965(c).

Respectfully submitted,

PLAINTIFFS PHOENIX BOND & INDEMNITY
CO. and BCS SERVICES, INC.

By: /s/ Jonathan S. Quinn
One of Their Attorneys

Lowell E. Sachnoff (ARDC No. 2438062)
Jonathan S. Quinn (ARDC No. 6200495)
Max A. Stein (ARDC No. 6275993)
John W. Moynihan (ARDC No. 6212061)
Thomas M. Levinson (ARDC No. 6286713)
REED SMITH LLP
10 South Wacker Drive
Chicago, IL 60606
(312) 207-1000

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PHOENIX BOND & INDEMNITY CO., et al.)	
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Plaintiffs,)	
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vs.)	
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JOHN BRIDGE, et al.,)	Case No. 05 C 4095
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Defendants.)	Consolidated with
)	Case No. 07 C 1367
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BCS SERVICES, INC., et al.)	Judge Matthew F. Kennelly
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Plaintiffs,)	
)	
vs.)	
)	
HEARTWOOD 88, LLC, et al.)	
)	
Defendants.)	

INDEX OF EXHIBITS

Exhibit	Date	Description
1.	03/11/2009	Docket 428 Summons to Answer Complaint and Accompanying 3/12/09 Ltr. from A. Mathews to R. Pearl
2.	03/26/2009	Docket 448 Attorney Appearance form for T. Becker
3.	03/26/2009	Docket 449 Attorney Appearance form for R. Pearl
4.	08/26/2011	Ltr. from J. Quinn to T. Becker
5.	09/02/2011	Defendants' Witness List
6.	09/13/2011	Email from J. Quinn to T. Becker, R. Pearl
	09/20/2011	Email from T. Becker to J. Quinn
	09/21/2011	Email from J. Quinn to T. Becker
7.	09/22/2011	Emails from T. Becker to J. Quinn

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

BCS SERVICES, INC., et al.,

Plaintiffs

v.

HEARTWOOD 88, LLC, et al.

Defendants

SUMMONS IN A CIVIL CASE

CASE NUMBER: 1:07-1367

ASSIGNED JUDGE: JAMES HOLDERMAN

MAGISTRATE JUDGE: MARIA VALDEZ

TO:

Kirk Allison
c/o Richard J. Pearl
MORGAN LEWIS & BOCKIUS LLP
77 West Wacker Drive, 5th Floor
Chicago, Illinois 60601

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEYS:

John W. Moynihan
Andrew L. Mathews
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, Illinois 60606
(312) 207-1000

an answer to the complaint which is herewith served upon you, within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

(By) DEPUTY CLERK


MICHAEL W. DOBBINS

Clerk of Court

3-11-09
DATE

RETURN OF SERVICE

DATE

Service of the Summons and complaint was made by me⁽¹⁾
NAME OF SERVER (*PRINT*)

TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: _____

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____

☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

ReedSmith

Andrew L. Mathews
Direct Phone: +1 312 207 2449
Email: amathews@reedsmith.com

Reed Smith LLP
10 South Wacker Drive
Chicago, IL 60606-7507
+1 312 207 1000
Fax +1 312 207 6400
Direct Fax: 312.207.6400

March 12, 2009

VIA MESSENGER

Richard J. Pearl
MORGAN LEWIS & BOCKIUS LLP
77 West Wacker Drive
5th Floor
Chicago, Illinois 60601

RE: BCS Services, et al. v. Heartwood 88 LLC, et al.
No: 07 C 1367

Dear Mr. Pearl:

Pursuant to our agreement, you have agreed to accept service on behalf of:

MD Sass Municipal Finance Partners-IV, LLC
MD Sass Municipal Finance Partners-V, LLC
MD Sass Tax Lien Management, LLC
MD Sass Investors Service, Inc.
Kirk Allison
Vinaya Jessani

I enclose a copy of the Summons and redacted Second Amended Complaint for each defendant listed above. As you are aware, Judge Holderman has set April 17, 2009 as the date to answer or otherwise plead.

If you have any questions, please feel free to call.

Sincerely,



Andrew L. Mathews
Reed Smith LLP

ALM:cqs

Enclosures

NEW YORK ♦ LONDON ♦ CHICAGO ♦ PARIS ♦ LOS ANGELES ♦ WASHINGTON, D.C. ♦ SAN FRANCISCO ♦ PHILADELPHIA ♦ PITTSBURGH ♦ OAKLAND
MUNICH ♦ ABU DHABI ♦ PRINCETON ♦ NORTHERN VIRGINIA ♦ WILMINGTON ♦ DUBAI ♦ CENTURY CITY ♦ RICHMOND ♦ GREECE

reedsmith.com

US_ACTIVE-101305371.1

EXHIBIT 2

**U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS
ATTORNEY APPEARANCE FORM**

NOTE: In order to appear before this Court an attorney must either be a member in good standing of this Court's general bar or be granted leave to appear *pro hac vice* as provided for by Local Rules 83.12 through 83.14.

In the Matter of
BCS SERVICES, ET AL.

Case Number: 07 CV 1367

v.

HEARTWOOD 88, LLC, ET AL.

AN APPEARANCE IS HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY FOR:

MD SASS MUNICIPAL FINANCE PARTNERS -IV, LLC

MD SASS MUNICIPAL FINANCE PARTNERS-V, LLC

MD SASS TAX LIEN MANAGEMENT, LLC

MD SASS INVESTORS SERVICES, INC.

VINAYA JESSANI

VINAYA JESSANI

NAME (Type or print) THEODORE M. BECKER	
SIGNATURE (Use electronic signature if the appearance form is filed electronically) s/ Theodore M. Becker	
FIRM MORGAN LEWIS & BOCKIUS LLP	
STREET ADDRESS 77 W WACKER DRIVE	
CITY/STATE/ZIP CHICAGO, ILLINOIS 60601	
ID NUMBER (SEE ITEM 3 IN INSTRUCTIONS) 0151262	TELEPHONE NUMBER 312.324.1001
ARE YOU ACTING AS LEAD COUNSEL IN THIS CASE? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
ARE YOU ACTING AS LOCAL COUNSEL IN THIS CASE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
ARE YOU A MEMBER OF THIS COURT'S TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
IF THIS CASE REACHES TRIAL, WILL YOU ACT AS THE TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
IF THIS IS A CRIMINAL CASE, CHECK THE BOX BELOW THAT DESCRIBES YOUR STATUS. RETAINED COUNSEL <input type="checkbox"/> APPOINTED COUNSEL <input type="checkbox"/>	

EXHIBIT 3

**U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS
ATTORNEY APPEARANCE FORM**

NOTE: In order to appear before this Court an attorney must either be a member in good standing of this Court's general bar or be granted leave to appear *pro hac vice* as provided for by Local Rules 83.12 through 83.14.

In the Matter of
BCS SERVICES, ET AL.

Case Number: 07 CV 1367

v.

HEARTWOOD 88, LLC, ET AL.

AN APPEARANCE IS HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY FOR:

MD SASS MUNICIPAL FINANCE PARTNERS -IV, LLC
MD SASS MUNICIPAL FINANCE PARTNERS-V, LLC
MD SASS TAX LIEN MANAGEMENT, LLC
MD SASS INVESTORS SERVICES, INC.
VINAYA JESSANI

NAME (Type or print) RICHARD J. PEARL	
SIGNATURE (Use electronic signature if the appearance form is filed electronically) s/ Richard J. Pearl	
FIRM MORGAN LEWIS & BOCKIUS LLP	
STREET ADDRESS 77 W WACKER DRIVE	
CITY/STATE/ZIP CHICAGO, ILLINOIS 60601	
ID NUMBER (SEE ITEM 3 IN INSTRUCTIONS) 6275676	TELEPHONE NUMBER 312.324.1000
ARE YOU ACTING AS LEAD COUNSEL IN THIS CASE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
ARE YOU ACTING AS LOCAL COUNSEL IN THIS CASE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
ARE YOU A MEMBER OF THIS COURT'S TRIAL BAR? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
IF THIS CASE REACHES TRIAL, WILL YOU ACT AS THE TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
IF THIS IS A CRIMINAL CASE, CHECK THE BOX BELOW THAT DESCRIBES YOUR STATUS. RETAINED COUNSEL <input type="checkbox"/> APPOINTED COUNSEL <input type="checkbox"/>	

EXHIBIT 4

ReedSmith

Jonathan S. Quinn
Direct Phone: +1 312 207 6443
Email: jquinn@reedsmith.com

Reed Smith LLP
10 South Wacker Drive
Chicago, IL 60606-7507
+1 312 207 1000
Fax +1 312 207 6400
reedsmith.com

August 26, 2011

Via Messenger Delivery

Theodore M. Becker, Esq.
Richard Pearl, Esq.
Morgan Lewis
77 West Wacker Drive
Chicago, IL 60601-5094

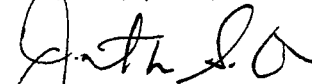
RE: *Phoenix Bond & Indemnity Co., et al, v. John Bridge, et al., Case No. 05 C 40905*

Counsel:

I am enclosing trial subpoenas, service of which I assume you will accept on behalf of your clients.

Please call me to discuss their appearance.

Very truly yours,



Jonathan S. Quinn

JSQ:drp

Enclosures

US_ACTIVE-107127957.1

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
NORTHERN DISTRICT OF ILLINOIS

SUBPOENA IN A CIVIL CASE**Phoenix Bond & Indemnity Co.,**

Plaintiffs,

v.

CASE NUMBER:¹ **05 C 40905**
Consolidated with 07-C 1367**John Bridge, et al.,**

Defendants.

TO: Kirk Alison
 c/o Theodore M. Becker
 Morgan Lewis & Bockius LLP
 77 West Wacker Drive, Chicago, Illinois 60025

☒ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
United States Courthouse 219 South Dearborn Street Chicago, Illinois 60604	Room 2103
	DATE AND TIME October 12, 2011 10:00 a.m. and continuing thereafter as scheduled by the Court

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

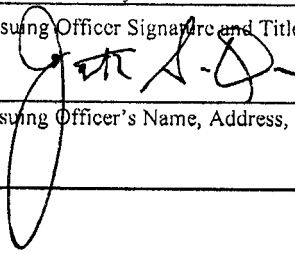
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date
 Attorney for Plaintiffs	August 24, 2011
Issuing Officer's Name, Address, and Phone Number Jonathan S. Quinn, REED SMITH LLP, 10 South Wacker Drive, Suite 4000, Chicago, Illinois 60606 (312) 207-1000	

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within

the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 NORTHERN DISTRICT OF ILLINOIS

SUBPOENA IN A CIVIL CASE

Phoenix Bond & Indemnity Co.,

Plaintiffs,

v.

CASE NUMBER:¹ 05 C 40905
 Consolidated with 07-C 1367

John Bridge, et al.,

Defendants.

TO: Vinaya Jessani
 c/o Theodore M. Becker
 Morgan Lewis & Bockius LLP
 77 West Wacker Drive, Chicago, Illinois 60601

☒ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
United States Courthouse 219 South Dearborn Street Chicago, Illinois 60604	Room 2103
	DATE AND TIME October 12, 2011 10:00 a.m. and continuing thereafter as scheduled by the Court

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PLACE OF DEPOSITION	DATE AND TIME
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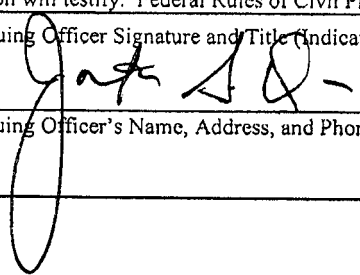
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date
 Attorney for Plaintiffs	August 24, 2011
Issuing Officer's Name, Address, and Phone Number	
Jonathan S. Quinn, REED SMITH LLP, 10 South Wacker Drive, Suite 4000, Chicago, Illinois 60606 (312) 207-1000	

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within

the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT 5

No.	Witness	Address	Type	Deposition May Be Used (Other Than For Impeachment)	Objections
	Alexander, Frances	c/o Elisha Rosenblum O'Halloran, Kosoff, Geitner & Cook, P.C. 650 Dundee Rd. Northbrook, IL 60062	MC	Y	
	Alexander, Peter	1609 Winnetka Road Glenview, IL 60025	MC		
	Allison, Kirk	c/o Theodore M. Becker Morgan Lewis & Bockius LLP 77 West Wacker Drive Chicago, IL 60601	WC	Y	
	Atlas, Arlene	c/o Athanasios Papadopoulos Neal Gerber & Eisenberg LLP Two North LaSalle Street Suite 2200 Chicago, IL 60602	MC		
	Atlas, Josh	c/o Athanasios Papadopoulos Neal Gerber & Eisenberg LLP Two North LaSalle Street Suite 2200 Chicago, IL 60602	WC		
	Atlas, Marshall	c/o Martin Hauselman Hauselman, Rappin & Olswang, Ltd. 39 South LaSalle Street Suite 1105 Chicago, IL 60603	WC		
	Ballinger, Dennis Jr.	c/o Empire Tax Corp. 119 West William Suite 300 Decatur, IL 62523 217-429-5050	MC	Y	
	Baumbach, Jason	c/o Elisha S. Rosenblum Clifford G. Kosoff O'Halloran, Kosoff, Geitner & Cook, P.C. 650 Dundee Road Suite 475 Northbrook, IL 60062	MC	Y	

	Berger, Judith	c/o Athanasios Papadopoulos Neal Gerber & Eisenberg LLP Two North LaSalle Street Suite 2200 Chicago, IL 60602	MC		
	Bingham, Gregory	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	MC	Y	
	Bischoff, Jeanne	Cook County State's Attorney Office 500 Richard J. Daley Center 50 E. Washington Chicago, IL 60602	MC		
	Boguslawski, Tricia	Kroll Ontrack / TrialGraphix 954 W. Washington Blvd. Chicago, IL 60607	MC		
	Branse, Gary	c/o Scott Nelson Ruff, Weidenaar & Reidy, Ltd. 222 North LaSalle Street Suite 700 Chicago, IL 60601	WC	Y	
	Bridge, James Jr.	c/o Elisha Rosenblum O'Halloran, Kosoff, Geitner & Cook, P.C. 650 Dundee Rd. Northbrook, IL 60062	MC		
	Bridge, Jeffrey	c/o Elisha Rosenblum Clifford G. Kossof O'Halloran, Kosoff, Geitner & Cook, P.C. 650 Dundee Rd. Suite 475 Northbrook, IL 60062	MC	Y	
	Bridge, John	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	WC	Y	
	Broeckling, Tom	319 W. Broadway St. Steeleville, IL 62288	MC	Y	
	Decker, Charles	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	MC		

	DeLaurentis, Anthony	c/o Elisha Rosenblum Clifford G. Kossof O'Halloran, Kossof, Geitner & Cook, P.C. 650 Dundee Rd. Suite 475 Northbrook, IL 60062	WC	Y	
	DeLuca, Michael	c/o Scott D. Nelson Ruff, Weidenaar & Reidy, Ltd. 222 North LaSalle Street Suite 700 Chicago, IL 60601	WC	Y	
	Eastman-Fitak, Delores	Phoenix Bond & Indemnity Company 161 North Clark Street Chicago, IL 60601 Alternatively, c/o Lowell Sachnoff Reed Smith LLP 10 South Wacker Dr. Chicago, IL 60606	MC	Y	
	Elkin, Daniel	120 N. LaSalle Chicago, IL 60602	MC		
	Elkin, Terrence	120 N. LaSalle Chicago, IL 60602	MC		
	Ellis, Gregory	c/o Kevin Clancy Lowis & Gellen, LLP 200 W. Adams St. Suite 1900 Chicago, IL 60606	MC	Y	
	Fellows, Joan	362 E. Shore Cliff Place Oro Valley, AZ 85737 Alternatively, c/o Lowell Sachnoff Reed Smith LLP 10 South Wacker Dr. Chicago, IL 60606	MC	Y	
	Goodwin, Julie	c/o Christopher Meyer Sidley Austin LLP One South Dearborn Chicago, IL 60603	MC		
	Gray, Bonnie	c/o Arthur W. Friedman Miller Shakman & Beem LLP 180 North LaSalle Street Suite 3600 Chicago, IL 60601	MC	Y	
	Gray, David Sr.	(Deceased)		Y	
	Gray, David Jr.	120 N. LaSalle Chicago, IL 60602	MC		

	Gray, Timothy	c/o William T. Huyck Law Office of William Thomas Huyck 122 South Michigan Ave. Suite 1850 Chicago, IL 60603	WC	Y	
	Jensen, Robert	c/o Kevin Clancy Lowis & Gellen, LLP 200 W. Adams St. Suite 1900 Chicago, IL 60606	MC	Y	
	Jessani, Vinaya	c/o Theodore M. Becker Morgan Lewis & Bockius LLP 77 West Wacker Drive Chicago, IL 60601	MC	Y	
	Karahalios, Peter	Cook County Treasurer's Office 118 N. Clark Street Room 112 Chicago, IL 60602	MC		
	Knuth, Mark	Kroll Ontrack / TrialGraphix 954 W. Washington Blvd. Chicago, IL 60607	MC		
	Koopman, Robert	319 W. Broadway St. Steeleville, IL 62288		Y	
	Levinson, Lori	c/o Athanasios Papadopoulos Neal Gerber & Eisenberg LLP Two North LaSalle Street Suite 2200 Chicago, IL 60602	MC		
	Madansky, Albert	200 E. Delaware, Apt. 23F Chicago, IL 60611	MC		
	Mamalakis, Andreas	214 N. Maple Mt. Prospect, IL 60056	MC		
	Marks, Andrew	Phoenix Bond & Indemnity Company 161 North Clark Street Chicago, IL 60601 Alternatively, c/o Lowell Sachnoff Reed Smith LLP 10 South Wacker Dr. Chicago, IL 60606	WC	Y	
	Marks, Stanford	Phoenix Bond & Indemnity Company 161 North Clark Street Chicago, IL 60601 Alternatively, c/o Lowell Sachnoff Reed Smith LLP 10 South Wacker Dr. Chicago, IL 60606	WC	Y (personal deposition and 30(b)(6) deposition)	

	Marks, Stephanie	Phoenix Bond & Indemnity Company 161 North Clark Street Chicago, IL 60601 Alternatively, c/o Lowell Sachnoff Reed Smith LLP 10 South Wacker Dr. Chicago, IL 60606	WC	Y	
	Martone, Gino	c/o Christopher Meyer Sidley Austin LLP One South Dearborn Chicago, IL 60603	WC	Y	
	Metzdorff, William	Blackman Kallick, LLP 10 South Riverside Plaza, 9th Floor Chicago, IL 60606	MC		
	Meyers, Janet	Phoenix Bond & Indemnity Company 161 North Clark Street Chicago, IL 60601 Alternatively, c/o Lowell Sachnoff Reed Smith LLP 10 South Wacker Dr. Chicago, IL 60606	WC	Y (personal deposition and 30(b)(6) deposition)	
	Mills, Martha A.	32 West Randolph Street Room 1402 Chicago, IL 60601	MC	Y	
	Moynihan, John	10 S. Wacker Dr. Chicago, IL	MC		
	Nadler, Michael	c/o Marc D. Sherman Marc D. Sherman & Associates, P.C. 3700 West Devon Avenue Suite E Lincolnwood, IL 60712	MC		
	Nash, Douglas	c/o Mark F. Wolfe Traub, Lieberman, Straus, and Shrewsbury, LLP 303 W. Madison Street Suite 1200 Chicago, IL 60606	WC	Y	
	Olson, Jennifer	509 S. University Ave. Carbondale, IL 1	MC	Y	
	Osbourne, Josephine	c/o Anthony Masciopinto Kulwin, Masciopinto & Kulwin LLP 161 N. Clark St., Suite 2500 Chicago, IL 60601-3272	MC	Y	

	Palasz, Robert	c/o Edward J. Kozel Law Offices of Edward J. Kozel 333 S. Wabash Ave. Suite 2500 Chicago, IL 60604	MC		
	Pappas, Maria	Cook County Treasurer's Office 118 N. Clark Street Suite 112 Chicago, IL 60602	MC		
	Pappas, Vasiliki	1407 Tuscany Court Glenview, IL 60025	MC	Y	
	Penman, Kelly	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	WC	Y	
	Pennington, Robert B.	Citizens First National Bank 606 South Main Street Princeton, IL 61356	MC		
	Quinn, Patrick	c/o Mark F. Wolfe Traub, Lieberman, Straus, and Shrewsbury, LLP 303 W. Madison Street Suite 1200 Chicago, IL 60606	MC	Y	
	Rochman, Barrett	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	WC	Y	
	Rochman, Christopher	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	MC	Y	
	Rochman, Corrine	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	MC	Y	
	Rochman, Jesse	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	MC	Y	
	Rochman, Kenneth	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	MC	Y	
	Rubenstein, Cindy	120 N. LaSalle Chicago, IL 60602	MC		
	Sachnoff, Lowell	10 S. Wacker Dr. Chicago, IL	MC		

	Sierzega, Kevin	c/o Donald B. Levine Latimer LeVay Fyock LLC 55 W. Monroe, Suite 1100 Chicago, IL 60603	WC	Y	
	Starkman, Larry	1569 Sherman Avenue Suite 203 Evanston, IL 60201	MC		
	Stec, Gregory W.	5630 South Kensington LaGrange, IL 60525	MC	Y	
	Stoller, Jocelyn	5201 N. Hacienda Del Sol Tucson, AZ 85718 Alternatively, c/o Lowell Sachnoff Reed Smith LLP 10 South Wacker Dr. Chicago, IL 60606	WC	Y	
	Tse, Daniel	c/o Lawrence Morrissey Lawrence Morrissey Ltd. 39 South LaSalle, Suite 1050 Chicago, IL 60603	MC	Y	
	Turer, Richard	c/o Elisha Rosenblum Clifford G. Kossof O'Halloran, Kossof, Geitner & Cook, P.C. 650 Dundee Rd. Suite 475 Northbrook, IL 60062	WC	Y	
	Ufen, Marya	c/o Christopher Meyer Sidley Austin LLP One South Dearborn Chicago, IL 60603	MC		
	Van Delinder, Analisa	c/o Christopher Meyer Sidley Austin LLP One South Dearborn Chicago, IL 60603	MC		
	Van Mel White, Frederick	1257 Oakmont Ave, Flossmoor, IL 60422-1433	MC		
	Varan, Joseph	c/o Stephen D. Richek Law Offices of Stephen D. Richek 20 N. Clark St. Suite 2450 Chicago, IL 60602	MC	Y	
	Vasiliou, Artemis	Cook County Treasurer's Office 118 N. Clark Street Suite 112 Chicago, IL 60602	MC	Y	
	Waclaw, Andrew	Cook County Treasurer's Office 118 N. Clark Street Suite 112 Chicago, IL 60602	MC	Y	

	Donald Wilson	c/o Mark How How Frels Rohde Woods & Duke P.C. 2027 Young Street Dallas, TX 75201	MC	Y	
	Wilson, Gregory	c/o Mark How How Frels Rohde Woods & Duke P.C. 2027 Young Street Dallas, TX 75201	MC	Y	
	Zimbrakos, Vasily	Cook County Treasurer's Office 118 N. Clark Street Suite 112 Chicago, IL 60602	MC	Y	
	Zimmerman, Jonathan	c/o Theodore M. Becker Morgan Lewis & Bockius LLP 77 West Wacker Drive Chicago, IL 60601	MC		
<p>Defendants reserve their rights to call any witness listed on the plaintiffs' trial witness list, including those witnesses as to whom defendants have objected (see objections to plaintiffs' witness list), should the Court allow testimony from those witnesses.</p>					

EXHIBIT 6

From: Quinn, Jonathan S.
Sent: Wednesday, September 21, 2011 7:33 AM
To: 'Becker, Theodore M.'
Cc: Pearl, Richard; Stein, Max A.; Sachnoff, Lowell; Levinson, Thomas M.; Moynihan, John W.; 'Meyer, Chris'; Tom Papadopoulos; Tom Huyck; Arthur Friedman (afriedman@millershakman.com); James R. Quinn; William Conlon
Subject: RE: Trial Subpoenas

Ted:

Both witnesses were listed in care of you of the witness list Defendants provided on September 2. Accordingly, and pursuant to your obligations under both Rule 26 and Judge Kennelly's procedures for Preparation of Final Pretrial Order, kindly provide current addresses for both individuals.

Regards,

Jonathan S. Quinn
312.207.6443
Reed SmithLLP

From: Becker, Theodore M. [mailto:tbecker@morganlewis.com]
Sent: Tuesday, September 20, 2011 6:00 PM
To: Quinn, Jonathan S.
Cc: Pearl, Richard
Subject: RE: Trial Subpoenas

Jon,

My firm will not accept service of the trial subpoenas you issued for Kirk Allison and Vinaya Jessani.

-Ted

Theodore M. Becker
Partner
Morgan, Lewis & Bockius LLP
77 West Wacker, 5th Floor | Chicago, IL 60601
Direct: 312.324.1190 | Fax: 312.324.1001
tbecker@morganlewis.com | www.morganlewis.com
Assistant: Samantha A. McCormick | Tel: 312.324.1166 | Email: smccormick@morganlewis.com

IRS Circular 230 Disclosure

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. For information about why we are required to include this legend in emails, please see <http://www.morganlewis.com/circular230>

09/22/2011

From: Quinn, Jonathan S. [mailto:JQuinn@ReedSmith.com]

Sent: Tuesday, September 13, 2011 12:38 PM

To: Quinn, Jonathan S.; Meyer, Chris; Stein, Max A.; Donald Levine; mhauselman@hrolaw.com; Papadopoulos, Athanasios Tom; tomhuyck@yahoo.com; snelson@rwrlaw.com; afriedman@millershakman.com; smalia@ngelaw.com; swidman@millershakman.com; Becker, Theodore M.; msher@ngelaw.com; sgarner@ngelaw.com; gensongillespie@aol.com; esrosenblum@okgc.com; formusa12@sbcglobal.net; jrquinn@rwrlaw.com; tlwade@rwrlaw.com; Pearl, Richard; SBryan@LLJLAW.com; strichkek@aol.com; ckosoff@okgc.com; msher@ngelaw.com; formusa12@sbcglobal.net; swidman@millershakman.com; tomhuyck@yahoo.com; Bayles, Jr., James E.; gensongillespie@aol.com; ABarnett@stearnsweaver.com; Conlon, William; Holland, Robert A.

Cc: Sachnoff, Lowell; Moynihan, John W.; Levinson, Thomas M.; Olson, Rosede A.

Subject: Trial Subpoenas

Counsel:

In light of the motion filed by the Sidley firm and since I have heard from many, but not all, of you, please let us know at once if you will *not* be accepting service of any of the subpoenas sent to you in August.

Thank you.

Jonathan S. Quinn

312.207.6443

Reed SmithLLP

EXHIBIT 7

From: Becker, Theodore M. [mailto:tbecker@morganlewis.com]
Sent: Thursday, September 22, 2011 09:05 AM
To: Quinn, Jonathan S.
Cc: Pearl, Richard <rpearl@morganlewis.com>
Subject: HIGHLY CONFIDENTIAL RE: BCS SERVICES INC. ET AL. V. HEARTWOOD 88 ET AL.

STRICTLY CONFIDENTIAL
HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Jon,

Vinay Jessani's address for service of plaintiffs' trial subpoena is This
address is being provided to you in strict confidence and solely for the purpose of service of plaintiffs' trial
subpoena. Please do not put it on a list that you distribute to all counsel in the case, as you did with Mr.
Jessani's previous home address, or disseminate the address in any other way. This address is being provided to
you without prejudice to Mr. Jessani's right to contest or move to quash the subpoena when and if it is served,
and Mr. Jessani reserves all his rights relating to the subpoena and to resist any attempts by plaintiffs' counsel to
call him as a witness at the trial.

-Ted

Theodore M. Becker
Partner

Morgan, Lewis & Bockius LLP
77 West Wacker, 5th Floor | Chicago, IL 60601
Direct: 312.324.1190 | Fax: 312.324.1001
tbecker@morganlewis.com | www.morganlewis.com
Assistant: Samantha A. McCormick | Tel: 312.324.1166 | Email: smccormick@morganlewis.com

IRS Circular 230 Disclosure

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. For information about why we are required to include this legend in emails, please see <http://www.morganlewis.com/circular230>

From: Becker, Theodore M. [mailto:tbecker@morganlewis.com]
Sent: Thursday, September 22, 2011 09:39 AM
To: Quinn, Jonathan S.
Cc: Pearl, Richard <rpearl@morganlewis.com>
Subject: HIGHLY CONFIDENTIAL RE: BCS SERVICES INC. ET AL. V. HEARTWOOD 88 ET AL.

STRICTLY CONFIDENTIAL
HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Jon,
Kirk Allison's address for service of plaintiffs' trial subpoena is . This address is being provided to you in strict confidence and solely for the purpose of service of plaintiffs' trial subpoena. Please do not disseminate the address in any way. This address is being provided to you without prejudice to Mr. Allison's right to contest or move to quash the subpoena when and if it is served, and Mr. Allison reserves all his rights relating to the subpoena and to resist any attempts by plaintiffs' counsel to call him as a witness at the trial.
-Ted

Theodore M. Becker
Partner

Morgan, Lewis & Bockius LLP
77 West Wacker, 5th Floor | Chicago, IL 60601
Direct: 312.324.1190 | Fax: 312.324.1001
tbecker@morganlewis.com | www.morganlewis.com
Assistant: Samantha A. McCormick | Tel: 312.324.1166 | Email: smccormick@morganlewis.com

IRS Circular 230 Disclosure

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. For information about why we are required to include this legend in emails, please see <http://www.morganlewis.com/circular230>

CERTIFICATE OF SERVICE

I, Thomas M. Levinson, hereby state that on September 22, 2011, I electronically filed the foregoing PLAINTIFFS' MOTION FOR ISSUANCE OF TRIAL SUBPOENAS TO DEFENDANTS KIRK ALLISON AND VINAYA JESSANI with the Clerk of the Court using the ECF system, which will send notification to all parties.

By: /s/ Thomas M. Levinson

Thomas M. Levinson (ARDC No. 6286713)
REED SMITH LLP
10 South Wacker Drive
Chicago, Illinois 60606
(312) 207-1000

107327213